IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

L.E., by next friends and parents,)
SHELLEY ESQUIVEL and	
MARIO ESQUIVEL,)
Plaintiff,)) No. 3:21-cy-00835
V.)
) Chief Judge Crenshaw
BILL LEE, in his official capacity as)
Governor of Tennessee; et al.,) Magistrate Judge Newbern
)
KNOX COUNTY BOARD OF)
EDUCATION a/k/a KNOX COUNTY)
SCHOOL DISTRICT; et al.,)
)
Defendants.)

DECLARATION OF STEPHANIE BERGMEYER

Pursuant to 28 U.S.C. § 1746, I, Stephanie Bergmeyer, hereby declare under penalty of perjury that the following is true and correct:

- 1. I am over the age of 18 and have direct knowledge of the mattes stated herein.
- 2. The State Defendants¹ rely on the attached exhibits in support of their contemporaneously filed Motion for Summary Judgment.
- 3. Exhibit 1A is a true and correct copy of the Tennessee Secondary Schools Athletic Association ("TSSAA") sports, https://tssaa.org/sports, and 1B is a true and correct copy of the

¹ The State Defendants are Governor Lee, Commissioner Schwinn, Executive Director Morrison, members of the Tennessee State Board of Education, in their official capacities, and the Tennessee State Board of Education.

- 2022-2023 TSSAA Handbook made Exhibit 3 to the Deposition of Donald Dodgen, dated July 28, 2022.
- 4. Exhibit 2 is a true and correct copy of the Local Rules and Terms of the Competition for 2022 TSSAA Competition for golf, https://cms-files.tssaa.org/documents/tssaa/2022-23/golf/2022GolfConditions.pdf.
- 5. Exhibit 3 is a true and correct copy of the 2021-22 TSSAA Handbook Wrestling Regulations (Oct. 26, 2021), https://cms-files.tssaa.org/documents/tssaa/2021-22/sports-regulations/2021-22WrestlingRegulations.pdf.
- 6. Exhibit 4 is a true and correct copy of the 2021-2022 TSSAA Handbook, Girls' Wrestling Regulations (October 26, 2021), https://cms-files.tssaa.org/documents/tssaa/2021-22/sports-regulations/2021-22GirlsWrestlingRegulations.pdf.
- 7. Exhibit 5 is a true and correct copy of excerpts of the transcript and exhibits 3 and 7 of the Deposition of Farragut High School Golf Coach Jonathan Franklin Higgins, dated July 25, 2022.
- 8. Exhibit 6 is a true and correct copy of excerpts of the transcript of the Deposition of Mario Esquivel, dated August 2, 2022.
- 9. Exhibit 7 is a true and correct copy of excerpts of the transcript and exhibit 1 of the Deposition of Shelley Esquivel, dated August 1, 2022.
- 10. Exhibit 8 is a true and correct copy of excerpts of the transcript of the Deposition of L.E., dated August 1, 2022.
- 11. Exhibit 9 is a true and correct copy of excerpts of the transcript and exhibit 1 of the Fed. R. Civ. P. 30(b)(6) Deposition of Executive Director Sarah Morrison, Ph.D., dated August 22, 2022.

- 12. Exhibit 10 is a true and correct copy of excerpts of the transcript of the Deposition of Jessica Hemmelgarn, dated July 29, 2022.
- 13. Exhibit 11 is a true and correct copy of excerpts of the transcript of the Deposition of Dr. John Christopher Bartlett, dated July 25, 2022.
- 14. Exhibit 12 is a true and correct copy of the transcript of the Deposition of Melissa Cyperski, Ph.D., dated August 10, 2022.
- 15. I have personal knowledge of the facts in this declaration and if call upon to testify, could competently do so.

Dated this the 7th day of October, 2022.

s/Stephanie Bergmeyer
Stephanie Bergmeyer, BPR # 027096
Senior Assistant Attorney General
Office of Tennessee Attorney General and Reporter
P.O. Box 20207
Nashville, Tennessee 37202-0207
Stephanie.Bergmeyer@ag.tn.gov
(615) 741-6828

Attorney for Governor Lee, Commissioner Schwinn, Dr. Morrison, and the individual members of the Tennessee State Board of Education, in their official capacities, and the Tennessee State Board of Education